

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICROSOFT CORPORATION, a
Washington corporation,

Plaintiff,

V.

A&S ELECTRONICS, INC., a California corporation, d/b/a TRUSTPRICE.COM; ALAN Z. LIN, an individual; and JOHN DOES 1-5,

Defendants.

NO. CV 08-02321 CW (EDL)

[PROPOSED] ORDER DENYING
DEFENDANTS' MOTION TO QUASH
OR MODIFY SUBPOENAS DUCES
TECUM AND/OR FOR ISSUANCE OF
PROTECTIVE ORDER

This matter comes before the Court on the Motion to Quash or Modify Subpoenas Duces Tecum and/or for Protective Order (Dkt. # 34) filed by defendants A&S Electronics, Inc. (“A&S”) and Alan Z. Lin (“Mr. Lin”) (collectively, the “A&S Defendants”). By that motion the A&S Defendants sought to quash or modify certain subpoenas (the “Subpoenas”) Microsoft caused to be served upon Wells Fargo Bank, Bank of America, and Omni Bank. Having considered the A&S Defendants’ motion, plaintiff Microsoft Corporation’s (“Microsoft”) response (Dkt. # 39), and the A&S Defendants’ reply (Dkt. # 43), and having heard the argument of counsel, the Court hereby DENIES the A&S Defendants’ Motion to Quash or Modify Subpoenas Duces Tecum and/or for Protective Order.

In Microsoft's response and at oral argument, counsel for Microsoft stated that Microsoft no longer sought records relating to 48871 Eagle View Terrace that are not otherwise responsive to the Subpoenas. Counsel further stated that Microsoft had informed the subpoena recipients of this

1 modification to the Subpoenas. With the exception of records relating to 48871 Eagle View Terrace
2 that are not otherwise responsive to the Subpoenas, Microsoft is entitled to take the discovery sought
3 by the Subpoenas. All records produced in response to the subpoenas shall be designated
4 "Confidential-Attorneys' Eyes Only" pursuant to the Stipulated Protective Order. Should Microsoft
5 disagree with that designation as to any of the records upon review of the records, it may challenge the
6 designation pursuant to Paragraph 9 of the Stipulated Protective Order.

7 IT IS SO ORDERED.

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9 Dated: December 1, 2008



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11 Presented by
12 PERKINS COIE LLP

13 By: /s/ Katherine M. Dugdale
14 Audra M. Mori, Bar No. 162850
15 Katherine M. Dugdale, Bar No. 168014
16 Jennifer N. Chiarelli, Bar No. 212253
17 101 Jefferson Drive
18 Menlo Park, California 94025-1114
19 Phone: (650) 838-4370
20 Fax: (650) 838-4350
21 Email: AMori@perkinscoie.com
22 KDugdale@perkinscoie.com
23 JChiarelli@perkinscoie.com

24 YARMUTH WILSDON CALFO PLLC

25 By: /s/ Jeremy E. Roller
26 Scott T. Wilsdon (*pro hac vice*)
27 Jeremy E. Roller (*pro hac vice*)
925 Fourth Avenue, Suite 2500
Seattle, Washington 98104
Phone: (206) 516-3800
Fax: (206) 516-3888
Email: wilsdon@yarmuth.com
jroller@yarmuth.com

28 Attorneys for Plaintiff MICROSOFT
CORPORATION

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NO. CV 08-02321 CW (EDL) – Page 3